

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

Civil Action No. 4:11-CV-00094-BO

BRUCE BANNISTER; MAX DUTTON;
and MARION TOWLES;

Towles,

vs.

WAL-MART STORES EAST, L.P.,

Defendant.

APPENDIX TO DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT REGARDING MAX
DUTTON'S CLAIMS

E-1

Declaration of Jeffrey McIver Exhibit 1
M. Dutton's Written Statement (10/14/2009)

10/14/2009

To whom it may concern:

After the interview and digesting the allegations, I would like to clarify the following:

- ① Terri Sharfetter is an outstanding associate for Wal-Mart along with several other associates. When I have been short handed or the only manager in the building, I have used my resources to run an excellent store. She has on occasion had my sign on to inform me of conference calls or my collectables only. I would request a consistency search on managers at all levels utilizing their resources for our Company's success. I am sorry and I would like to move on never letting this happen again. I was backed in a corner being by myself and utilized my resources. I was grossly under staffed with management per the structure and sales volume.
- ② Mr. Glidden has raised money as a volunteer on and off for (16) sixteen years prior to me being store manager for (CHKD) Children's Hospital of the King's Daughters. He has always been a volunteer and has received many awards such as: The Governor's Gold Leaf Award for Volunteering. He has never been paid money for his work of volunteering his time for CHKD. I am sorry for his actions, and volunteering in our store will not happen again.

③ Sonja Moore while with us as an assistant was progressing, I am responsible for getting her promoted. But I think she has found a "bad boyfriend" and everything changed, she started not eating right, she was sick a lot, and both her mother, myself, and other associates tried to get her on a healthy diet because we all knew she was not, we were very concerned about her well being. At anytime she was about nothing other than taking care of an associate like we always have done.

Sonja was very determined to move to Florida with her boyfriend and the company no longer payed relocation and she got very upset, also she had interviews and was not chosen.

One day after this she came in put down her keys and exited the building. I attempted to reach her by phone but was not successful after several tries, several days.

④ We had a donation drawing at the front of the store by Art Glidden, the community volunteer. It did not take place as usual on the final day. Assistant Manager Sonny Morrier was in charge of it. Instead of Sonny being called to the front of the store, Art brought him the winning ticket? This was not the normal protocol. I feel the drawing as it is pointed out, was not carried but he can not prove that. This type of drawing will never happen again.

5. One of our vendors Charlie Lipsey of George Marshall and Associates put money in an incubator at the front of the store. He then told associates about his infant son had brain cancer and what CHKO did for him, he said, he felt compelled to do more is what my associates told me. He then sent a check into the store, our accountants office for CHKO we "did not" ask him to do this or any other vendor. We have never done this and we will do this we know our company does not do this in any way.

⑥ I was elected to the Dare County Board of Commissioners after being advised by Wal-Mart Legal, Regional Market Manager to do so. My number one focus and obligation is to Wal-Mart stores at all time. At no time did any associate assist with or be involved with me as a Commissioner in any way at any time.

Respectfully yours,

Ray E. Sutton
Wal-Mart Store #2000
Kitty Hawk, N.C. 27954
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